

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

---

M CORP DBA 11:59,	:	
	:	Civil Action: 1:24-cv-1823
Plaintiff,	:	
	:	
v.	:	
	:	
INFINITIVE, INC., JOSEPH	:	
BRADLEY SHERIDAN,	:	
DATABRICKS INC., WILLIAM	:	
McKINNEY, CHERYL MILES, AND	:	
DOES 1-25, INCLUSIVE.	:	
	:	
Defendants.		

---

**PLAINTIFF’S M CORP DBA 11:59’S RESPONSE TO DEFENDANT INFINITIVE,  
INC.’S MOTION TO FILE AN AMENDED ANSWER AND COUNTERCLAIMS**

Plaintiff M Corp dba 11:59 (“11:59”) does not oppose Defendant and Proposed Counter-Plaintiff Infinitive, Inc.’s (“Infinitive”) application. 11:59 was unable to consent to the filing of the Amended Answer and Counterclaim because the proposed Counterclaim adds a new party, Alison Moye, who this office does not, at this time, represent and therefore could not consent to the proposed amendments on her behalf. 11:59 takes no position on the request for leave to amend but does note that Infinitive’s proposed amended pleading fails to include a complete caption appropriately identifying the parties and their relation to the proposed claims. 11:59 further notes that by adding new claims against a new party, Infinitive’s proposed “counterclaims” are more properly characterized as impleader against a Third-Party Defendant pursuant to Fed. R. Civ. P. 14.

Notwithstanding the foregoing, by not opposing Infinitive’s application, Plaintiff does not concede the merits of the proposed amended pleading, nor does it waive its right to move to dismiss via a Motion to Dismiss or upon any other good faith basis, or to move to strike, sever, or try

separate Infinitive's third party claim should the Court grant leave for Infinitive to file same.

Respectfully submitted,

**POTTER & MURDOCK**

*Attorneys for Plaintiff M Corp dba 11:59*

By: /s/ John M. Murdock  
John M. Murdock, Esq.  
Brian S. Szmak, Esq.  
252 N. Washington Street  
Falls Church, VA 22046  
[jmurdock@pottermurdock.com](mailto:jmurdock@pottermurdock.com)  
[bszmak@pottermurdock.com](mailto:bszmak@pottermurdock.com)  
Telephone: (703) 992-6950

**NUKK-FREEMAN & CERRA, P.C.**

*Attorneys for Plaintiff M Corp dba 11:59*

By:   
Kegan S. Andeskie, Esq.  
Stacy Landau, Esq.  
26 Main Street, Suite 202  
Chatham, NJ, 07928  
[kandeskie@nfclegal.com](mailto:kandeskie@nfclegal.com)  
[slandau@nfclegal.com](mailto:slandau@nfclegal.com)  
Tel.: (973) 665-9100  
Fax: (973) 665-9101

Dated: May 21, 2025

**CERTIFICATION OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of May, 2025, a copy of the foregoing was filed with the United States District Court for the Eastern District of Virginia, Alexandria Division using the CM/ECF system, with a copy of being served via CM/ECF on all counsel of record in this matter.

Respectfully submitted,

**POTTER & MURDOCK**

*Attorneys for Plaintiff M Corp dba 11:59*

By: /s/ John M. Murdock  
John M. Murdock, Esq.

Dated: May 21, 2025